IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Civil Revision No. 67 of 2001

Date of decision: 12.06.2007

Sohan Singh Verma		..Petitioner
	Versus	
Vidya Devi & others		…… Respondents

Coram:

The Hon'ble Mr.Justice Surinder Singh,J.

Whether approved for reporting ?[1]

For the Petitioner	**Mr Tek Chand Sharma, Advocate**
For respondents No.1 & 4	**Mr. Romesh Verma, Advocate.**
For respondents No.2 & 3	**Mr V K Verma, Addl. Advocate General.**

Surinder Singh, J. (Oral)

The petitioner, herein sought a decree of prohibitory injunction restraining respondent No.1 from encroaching upon the land comprised of Khasra No.195/170, owned and possessed by him and further to leave the set backs towards the above portion of the land of the petitioner and also prayed to direct the respondents No.2 and 3 to remove and demolish the unlawful construction being raised by respondent No.1

[1] ***Whether the reporters of Local Papers may be allowed to see the judgment ?***

In short, the respondent No.1 denied any construction in his reply, as alleged but according to respondents No.2 and 3 the construction was being raised by Smt. Vidya Devi w/o Kirpa Ram respondent against whom a notice under Section 39-A of the Town & Country Planning Act, 1977 had been issued.

The learned trial court had framed the issues on 4.10.1999 and the matter was fixed for PWs. Thereafter an application under Order 6 Rule 17 read with Order 1 Rule 10 CPC was moved by the petitioner for impleading Smt. Vidya Devi wife of Kirpa Ram respondent as a party with necessary amendment, which was disallowed by the trial court vide orders dated 24.11.2000, which order has been assailed in the revision petition.

During the pendency of the petition respondent Kirpa Ram had died and an application CMP(M) No.236 of 2002 was moved to bring on record the LRs of the deceased which also included Smt.Vidya Devi. The application was not opposed and was thus allowed vide order dated 25.11.2002.

In view of this, the learned counsel for the petitioner has stated at Bar that Smt. Vidya Devi who was sought to be impleaded a party by moving the application aforesaid has now been substituted as one of the LR of the deceased-respondent on record.

Therefore, in the changed circumstances no prejudice would be caused to the case of the petitioner hence the present petition is not pressed.

Accordingly, the petition is dismissed. The petitioner shall move a formal application before the learned trial court to substitute the LRs and file an amended memo in the suit before the trial court on 29th June, 2007 on which date both the parties shall put in appearance.

The trial court shall make every endeavour to dispose of the case expeditiously.

The Registry is directed to send the records of the trial court forthwith, so as to reach there before the date fixed.

June 12, 2007 (Surinder Singh),J.
(D)